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Illinois
Environmental
Protection Agency

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September 1989

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Regulatory Update:
USEPA's Drinking Water Requirements

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Carrying Out the Congressional Mandate

Background

The mandate of the original 1974 Safe Drinking Water Act was to insure that all U.S. citizens served by public drinking water systems would have high quality water. The law was intended to provide a preventative health measure under which the USEPA would set standards, as needed, for contaminants that might have an adverse effect on human health. During the next decade there was growing concern about contamination of water supplies and the lack of adequate federal standards to assure safe, uniform water quality levels. With the passage of the 1986 amendments, Congress adopted a far-reaching law for public health protection that assumes the public will pay the cost that is necessary to have safe drinking water.

Two changes included in the 1986 amendments are of major importance to all Illinois community water supplies:

- Congress directed USEPA to set additional national standards for drinking water contaminants, and
- USEPA was given the power to order public water supplies to comply with the standards by issuing administrative enforcement orders instead of obtaining court orders.

USEPA is in the process of setting binding numerical standards for 83 constituents along with monitoring requirements for more than 160 contaminants. The standards are based on health effects, economic feasibility and treatability. The USEPA has also issued filtration and disinfection regulations for all surface water and some groundwater supplies to remove microbial contaminants.

Although regulations implementing the requirements outlined in the law have not been adopted as quickly as originally planned, every public water supply in the country will eventually be required to meet the primary drinking water regulations. Responsibility for enforcing USEPA's regulations will be delegated to the Illinois EPA as long as the State's rules are as stringent as the federal regulations.

Standards Setting and Monitoring

The purpose of the Safe Drinking Water Act is straight-forward:

- USEPA must establish numerical standards, monitoring requirements or treatment techniques for each contaminant that may be found in a drinking water supply and that has or may have an adverse effect on health. These standards will be expressed as maximum contaminant levels.
- The public water supplies must monitor the quality of water delivered to consumers and treat the water, if necessary, to assure that the concentration of each contaminant remains below the acceptable levels established by the USEPA.
- Public water supplies unable to meet the maximum contaminant levels must utilize best available technology (BAT) to meet the new requirements.

Enforcement

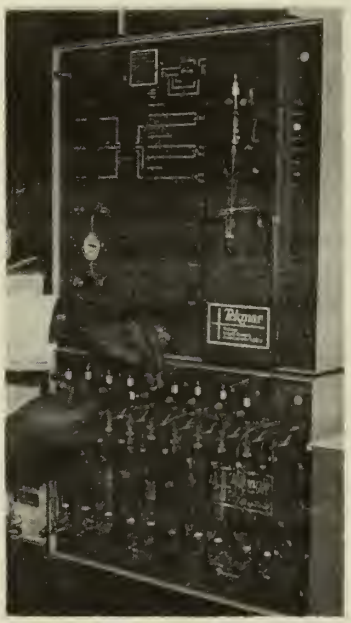
The 1986 amendments provide USEPA with new tools to strengthen enforcement actions to help assure compliance with drinking water regulations.

- Authorization for USEPA to issue administrative enforcement orders against public water systems in violation of the rules when states do not take appropriate enforcement action within 30 days of notification.

- Provision for additional authority for enforcing against public water systems in violation of the rules; maximum civil penalty limits are increased to $25,000 per day of violation.

Status of USEPA Rulemaking

1986 Safe Drinking Water Act Amendments



Analyzing for VOCs.

Volatile Organic Compounds (VOCs)

- Rulemaking was completed July 8, 1987.

- Eight chemicals have maximum contaminant levels (MCLs).

	mg/l
trichloroethylene	0.005
carbon tetrachloride	0.005
1,1,1-trichloroethane	0.20
vinyl chloride	0.002
1,2-dichloroethane	0.005
benzene	0.005
1,1-dichloroethylene	0.007
para-dichlorobenzene	0.075

- A water supply's monitoring requirements are based on:
  1. size of the population served;
  2. vulnerability (a vulnerability assessment is an evaluation intended to determine the likelihood that a water system might be subject to contamination); and
  3. results of initial sampling.

Monitoring requirements for systems serving:

1. 10,000 or more persons began January, 1988;
2. over 3,300 persons began January, 1989;
3. 3,300 or fewer persons begins no later than January, 1991.

Unregulated Contaminants

- Rulemaking was completed July 8, 1987.

- Fifty-one unregulated chemicals have monitoring requirements.

Because of known chemical use, Illinois supplies need only analyze 34 of the unregulated chemicals. Unregulated chemicals are those chemicals for which the USEPA has established monitoring requirements but has not established maximum contaminant levels. USEPA rules do require public notification that testing has been completed.

Bromobenzene
Bromodichloromethane
Bromoform
Bromomethane
Chlorobenzene
Chlorodibromomethane
Chloroethane
Chloroform
Chloromethane
o-Chlorotoluene
p-Chlorotoluene
Dibromomethane
m-Dichlorobenzene
o-Dichlorobenzene
trans-1,2-Dichloroethylene
cis-1,2-Dichloroethylene
Dichloromethane
1,1-Dichloroethane

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Unregulated Contaminants (continued)
1,1-Dichloropropene
1,2-Dichloropropane
1,3-Dichloropropane
1,3-Dichloropropene
2,2-Dichloropropane
Ethylbenzene
Styrene
1,1,2-Trichloroethane
1,1,1,2-Tetrachloroethane
1,1,2,2-Tetrachloroethane
Tetrachloroethylene
1,2,3-Trichloropropane
Toluene
p-Xylene
o-Xylene
m-Xylene

- A water supply's monitoring requirements are based on the size of the population served.

- Monitoring requirements for systems serving:
  1. 10,000 or more persons began January, 1988;
  2. over 3,300 persons began January, 1989;
  3. 3,300 or fewer persons begins no later than January, 1991.

Microbiological

- Rulemaking was completed June 29, 1989.

- Effective date is December 31, 1990. For coliform, the current rule remains in force until December 31, 1990.

- All samples testing positive for coliform must now be analyzed for fecal coliform or E. *coli*.

- Compliance is based upon presence/absence of total coliform in a sample rather than on average total coliform density.

- Resamples required for total coliform-positive samples will increase significantly:
  1. at least one repeat sample must be collected from the same tap as the original sample;
  2. two repeat samples must be collected from within five service connections of the original sample; these samples must be collected upstream and downstream from the original sample; and
  3. all repeat samples must be collected within 24 hours of the supply being notified of the original result.

- New rules for all surface water supplies and some groundwater supplies include criteria under which systems must meet filtration and disinfection requirements to protect against *Giardia lamblia*, viruses, *Legionella* and heterotrophic bacteria.

- Implementation schedule for the filtration and disinfection requirements is:
  1. June 29, 1989. Rules final. Rules apply to public water systems using surface water or groundwater sources under the direct influence of surface water.
  2. December 31, 1990. Rules effective. Within 18 months after the final USEPA rule, the State must have adopted regulations necessary to implement the requirements.
  3. December 31, 1991. The State must determine which water systems are required to implement filtration/disinfection.
  4. June 30, 1993. Affected systems must be in compliance with filtration/disinfection requirements.

Coliform Rules Change Significantly

- *Analytical methods change.*

- *Resampling increases 50 percent.*

- *Three resampling locations specified.*

- *Resampling must be completed in 24 hours.*

Synthetic Organic Chemicals (SOCs)

- USEPA issued proposed rule on May 22, 1989.
- Final rule expected March, 1990.
- Maximum Contaminant Levels (MCLs) or treatment techniques have been proposed for 30 organic chemicals.

Proposed MCLs for SOCs

	mg/l		mg/l
Acrylamide	*	1,2-Dichloropropane	0.005
Ethylenedibromide	0.00005	2,4-D	0.07
Alachlor	0.002	Epichlorohydrin	*
Heptachlor	0.0004	Ethylbenzene	0.7
Aldicarb	0.01	Lindane	0.0002
Heptachlor epoxide	0.0002	Methoxychlor	0.4
Aldicarb sulfoxide	0.01	Monochlorobenzene	0.1
Aldicarb sulfone	0.04	Polychlorinated biphenyls	0.0005
Atrazine	0.003	Pentachlorophenol	0.2
Carbofuran	0.04	Styrene	0.005 or 0.1
Chlordane	0.002	Tetrachloroethylene	0.005
Dibromochloropropane	0.0002	Toluene	2
o-Dichlorobenzene	0.6	Toxaphene	0.005
cis-1,2-Dichloroethylene	0.07	2,4,5-TP	0.05
trans-1,2-Dichloroethylene	0.1	Xylenes (total)	10

* *When it is not economically or technically feasible to ascertain the level of a contaminant in drinking water, USEPA may require the use of a control technique instead of an MCL. The control technique to be used for these two chemicals is certification by the water supply that the dosage will not exceed a predetermined maximum.*

- The proposed rule provides for treatment techniques called Best Available Technology. Alternatives are:
  1. granular activated carbon;
  2. packed tower aeration; and
  3. polymer addition.
- Monitoring requirements are determined by:
  1. vulnerability;
  2. surface source;
  3. groundwater source; and
  4. initial sampling results.

Inorganic Chemicals (IOCs)

- USEPA issued proposed rule on May 22, 1989.
- Expect final rule March, 1990.
- Maximum contaminant levels (MCLs) have been proposed for eight inorganic chemicals.

Asbestos	7 M fibers/l (>10um)
	mg/l
Barium	5
Cadmium	0.005
Chromium	0.1
Mercury	0.002
Nitrate	10 (as N)
Nitrite	1 (as N)
Selenium	0.05

- The proposed rule provides for treatment techniques called Best Available Technology. Alternatives are:
  - coagulation/filtration;
  - ion exchange;
  - lime softening;
  - reverse osmosis;
  - granular activated carbon;
  - activated alumina;
  - corrosion control; and
  - direct and diatomite filtration.
- Monitoring requirements are proposed to be:
  1. analysis for asbestos by Transmission Electron Microscope for vulnerable supplies: once within five years of effective date of regulations;
  2. Barium, cadmium, chromium, fluoride, mercury and selenium;
     (a) all groundwater supplies: once every three years;
     (b) all surface water supplies: once every year.
  3. Nitrate/Nitrite
     (a) samples must be taken immediately after rain and/or application of fertilizer;
     (b) all groundwater supplies: annually;
     (c) all surface water supplies: quarterly.

Additional Unregulated Contaminants

- The USEPA issued proposed rule for monitoring 113 chemicals on May 22, 1989.
- Expect final rule March, 1990.
- Only vulnerable supplies will be required to monitor.

- Six IOCs analyzed one time only:

1. Antimony
2. Beryllium
3. Cyanide
4. Nickel
5. Sulfate
6. Thallium

- Twenty-three SOCs analyzed for four quarterly samples:

1. Hexachlorobenzene
2. Dalapon
3. Dinoseb
4. Picloram
5. Oxamyl (vydate)
6. Simazine
7. Glyphosate
8. Hexachlorocyopentadiene
9. PAHs
10. Phthalates
11. 2,3,7,8-TCDD (Dioxin)
12. Aldrin
13. Dieldrin
14. 2,4-DB
15. Dicamba
16. 2,4,5-T
17. Carbaryl
18. 3-Hydroxycarbofuran
19. Methomyl
20. Butachlor
21. Metolachlor
22. Propachlor
23. Metribuzin

- Eight-four SOCs may be analyzed at state discretion. Illinois must follow USEPA vulnerability guidelines when determining "state discretion".

1. Ametryn
2. Aspon
3. Atraton
4. Azinphos methyl
5. Bolstar
6. Bromacil
7. Butylate
8. Carboxin
9. Chlorpropham
10. Coumophos
11. Cycloate
12. Demeton-O
13. Demeton-S
14. Diazinon
15. Dichlofenthion
16. Dichlorvos
17. Diphenamid
18. Disulfoton
19. Disulfoton sulfone
20. Disulfoton sulfoxide
21. EPN
22. EPTC
23. Ethion
24. Ethoprop
25. Ethyl parathion
26. Famphur
27. Fenamiphos
28. Fenarimol
29. Fenitrothion
30. Fensulfothion
31. Fenthion
32. Fluridone
33. Fonofos
34. Hexazinone
35. Malathion
36. Merphos
37. Methyl paraoxon
38. Methyl parathion
39. Mevinphos
40. MGK 264
41. MGK 326
42. Molinate
43. Napropamide
44. Norflurazon
45. Pebulate
46. Phorate
47. Phosmet
48. Prometon
49. Prometryn
50. Pronamide
51. Propazine
52. Simetryn
53. Stirofos
54. Tebuthiuron
55. Terbacil
56. Terbufos
57. Terbutryn
58. Triademefon
59. Tricyclazole
60. Vernolate
61. Chlorneb
62. Chlorobenzilate
63. Chloropropylate
64. Chlorothalonil
65. Chlorpyrifos
66. DCPA
67. 4,4'-DDD
68. 4,4'-DDE
69. 4,4'-DDT
70. Dichloran
71. Endosulfan I
72. Endosulfan II
73. Endosulfan sulfate
74. Endrin aldehyde
75. Etridiazole
76. BCH-alpha
77. BCH-beta
78. BCH-delta
79. BCH-gamma
80. cis-Permethrin
81. trans-Permethrin
82. Trifluralin
83. Diquat
84. Endothall

Extracting pesticide samples

Lead and Copper

- USEPA issued proposed rule on August 18, 1988.

- Expect final rule early in 1990.

- Proposed rule lowers MCL for lead in water entering the distribution system to 0.005 mg/l (previously 0.05 mg/l).

- Proposed rule lowers MCL for copper in water entering the distribution system to 1.3 mg/l (previously 5 mg/l).

- In addition to samples collected at the point water enters the distribution system, a significant number of "morning first draw" samples must be collected from residences having lead-soldered copper piping, lead service pipes or interior lead piping. ("Morning first draw" sample means a sample of tap water that has been standing in plumbing pipes for 8 to 18 hours and is collected without flushing.)

- Proposal requires public education if 95% of the residential samples collected are not less than or equal to 0.020 mg/l lead.

- If any of the following four action levels are not met at the required locations, then corrosion control will be required:
  1. pH more than or equal to 8.0 in 95% of the samples; or
  2. copper less than or equal to 1.3 mg/l in 95% of the samples; or
  3. lead average level of the required samples taken must be less than or equal to 0.010 mg/l; or
  4. lead level less than or equal to 0.020 mg/l in 95% of the samples.

- Proposal requires treatment using best available technology if MCLs for lead or copper in water entering the distribution system are not met. Best Available Technology includes:
  1. chemical addition;
  2. ion exchange;
  3. reverse osmosis;
  4. lime softening; and
  5. coagulation/filtration.

- Proposal requires treatment using best available technology if action levels for lead or copper in "morning first draw" samples are exceeded. Best available technology is chemical addition.

- Monitoring requirements are dependent upon the size of the population served by the supply.

- The number of samples required by this proposed rule will be voluminous:

Population Served	*No. of Samples*
More than 100,000	50/quarter
10,001 to 100,000	30/quarter
3,301 to 10,000	20/quarter
500 to 3,300	10/yr/every 2nd yr
Less than 500	10/yr/ every 5 yrs

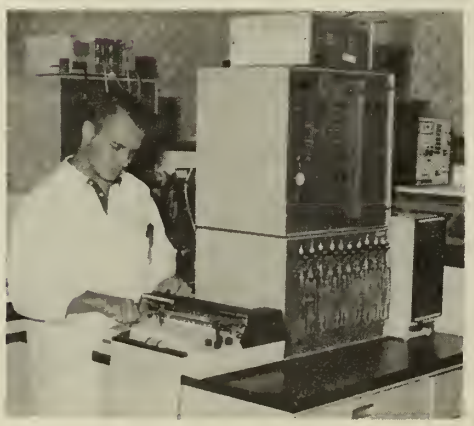
Future Regulations

- USEPA will be publishing regulations for the remaining 33 out of the 83 chemicals mandated by Congress.

- USEPA rulemaking for monitoring and control of disinfectant and disinfectant byproducts will be published later.

- The radionuclide MCLs will be revised.

- USEPA is required to regulate 25 additional chemicals every three years starting in 1991.



Checking pesticide/herbicide results.

Illinois EPA's New Laboratory Service

Illinois EPA has traditionally provided laboratory services for public water supplies; however, staff and equipment constraints did not permit expansion of the testing program to include the new requirements imposed by the 1986 amendments to the Safe Drinking Water Act.

Earlier this year the Illinois EPA and the Illinois Municipal League worked together to develop a cost-sharing fee proposal. The proposal calls for IEPA to continue providing current analytical services at no cost to the community water systems. The public water supplies will assume responsibility for the cost of the analytical testing that is required by USEPA regulations implementing the Congressional mandate.

The fee system can be likened to an insurance policy; regardless of the amount of testing and retesting a supply is required to undergo during the year, the annual fee will cover all costs. It is important that all public water supplies support the cost-sharing principle. Obviously, full participation in the fee system lowers the cost per analysis. Less than full participation in the program will jeopardize the State's ability to carry out the new USEPA monitoring regulations.

In addition, the program offers a number of other advantages:

- sample results will be recorded automatically in the Division of Public Water Supplies' records to assure compliance with USEPA's reporting requirements;

- Illinois EPA will track new monitoring requirements proposed by USEPA and will provide in a timely manner the correct number of properly prepared sample bottles and;

- analytical retesting will be done automatically whenever necessary at no additional cost.

Authorization for the IEPA to operate this program was incorporated into the Environmental Protection Act by the General Assembly in the spring of 1989. All the additional analyses can be carried out in IEPA laboratories with the additional resources provided by the fee system.

The fee for calendar year 1990 adopted by the General Assembly is 75 cents for each service connection with a minimum annual fee of $90 and a maximum of $2,500. For calendar years 1991 and 1992 IEPA will submit fee proposals to the Community Water Supply Testing Council for review and approval. The fees must be based upon administrative expenses and actual and anticipated costs of testing required by the 1986 amendments. The law also provides for minimum and maximum fees for future years as follows:

Fee per service connection:
At least 65 cents and not more than 95 cents;
Minimum fee per water supply:
At least $75 and not more than $110.
Maximum fee per water supply:
At least $2,200 and not more than $3,200.

At the end of 1992, the Council will be responsible for presenting to the Governor and the General Assembly a permanent solution for funding the program.

Service includes:

- *All testing for one annual fee.*
- *All testing deadlines met.*
- *All necessary retesting.*

Questions and Answers

Illinois EPA is offering a new fee-for-service monitoring program that will assist community water supplies in meeting the requirements of the 1986 amendments to the Safe Drinking Water Act. Some basic information on the operation of the program follows.

Q. Why hasn't Illinois EPA provided analytical support for us since the VOC regulations became effective?

A. Primarily because the money for expanded staff and additional equipment was not provided by Congress when the new requirements were imposed and the Agency did not have the resources to assume the workload.

Q. Our town is small, do we have to comply with the same requirements as the big cities?

A. In general, yes. The Safe Drinking Water Act insures that all Americans will have safe community water systems. Small communities are given more time to phase into the program and in some cases may not have to test as often.

Q. What are the fees? Who decides what they will be?

A. For calendar year 1990 the General Assembly set a fee of 75 cents for each service connection with a minimum annual fee of $90 and a maximum of $2,500. In 1991 and 1992 the Community Water Supply Testing Council will be reviewing and approving fees within a range established by the legislature. These ranges are at least 65 cents and not more than 95 cents per service connection; the minimum fee per water supply must be at least $75 and not more than $110; the maximum fee per water supply must be at least $2,200 and not more than $3,200. By 1993 the Council must develop a plan for permanent funding of the program. If a plan is not developed, the new laboratory service will be terminated and the Agency will discontinue the analyses required by the 1986 amendments to the Safe Drinking Water Act and revert to the present testing program.

Q. How did IEPA arrive at the fees for the new program?

A. The Agency knows how much it costs to carry out the existing program and is familiar with the methods and instrumentation required by the new regulations. An in-depth cost analysis was completed. This information was shared with and reviewed by the Illinois Municipal League and was approved by the General Assembly.

Q. What will the money be used for?

A. Some additional laboratory staff and several new pieces of equipment will be necessary. For example, USEPA has required testing of chemicals that can only be analyzed with new instrumentation some of which costs as much as $250.000.

Q. Will there be rules for collecting the fees?

A. Yes. The Illinois EPA rules should be published in the Illinois Register this fall. If you are interested in reviewing and/or commenting on the proposal contact Scott Phillips, IEPA Enforcement Division, and a copy will be provided. Your input will be appreciated.

Q. When does the program begin? What tests will the IEPA do?

A. In calendar year 1990 the Agency will conduct all necessary VOC resamples for those supplies that were required to begin testing in 1988 and 1989. In addition, the IEPA plans to do the VOCs and unregulated contaminants for a significant portion of the

water supplies having a population of 3,300 and under. Finally, a number of regulations proposed in 1988 and 1989 are expected to be finalized in 1990. These regulations cover SOCs, IOCs, lead, copper and many additional unregulated contaminants. Testing will begin for large supplies six months after promulgation is announced. The IEPA will either be running these tests on a trial basis or be mandated to start full implementation before the end of the year.

Q. How will the new testing service affect existing analytical programs?

A. The Agency's laboratories will continue to provide over $1 million in analytical services to public water supplies which represents the Agency's contribution to the cost-sharing concept. The public water supplies will continue to conduct the operational testing that is necessary to assure proper operation of a water supply system. The new fee program covers only those analytical requirements that result from the 1986 Safe Drinking Water Act Amendments.

Q. Who will be appointed to the Community Water Supply Testing Council?

A. The Council will be comprised of two representatives of municipal government, two people from community water supplies and two more people from statewide organizations that represent local government and community water supplies. The seventh member will represent the engineering profession.

Q. We have more than one source of raw water. Does this affect our fees?

A. No. The fee is based on service connections. Even though the water supply may have to take numerous samples and/or resamples, there is no additional charge. This points out the "insurance policy" aspect and the importance of full participation in this cost-sharing program. Risks will be spread among all participants.

Q. If our community wants to participate in the IEPA annual monitoring program what do we do?

A. The program operation is described in the proposed rules that will be published soon. In brief, the IEPA proposes that in January, 1990, all water supplies will receive a bill based upon the Agency's records of service connections. Sign the billing notice form and return it with a check to the Illinois EPA.

Q. If our community does not want to participate in the expanded laboratory testing program, what do we do?

A. The proposed rules for operating the program cover this point. Should a decision to opt out of the program be made, the water supply will be responsible for full administration of the program that the Agency will be carrying out for participating water supplies. In addition, nonparticipating supplies must provide to IEPA an agreement that binds the water supply to carrying out all of the new monitoring and reporting requirements at an IEPA certified laboratory at the water supply's expense.

Q. Is participation mandatory?

A. No, but you should give it serious consideration. Although the IEPA cannot provide exact numbers because testing frequency differs depending upon community size, vulnerability of the supply, retesting needs, etc., most water supplies will likely be required to test for all 200 contaminants at least once. It is expected that most of the Illinois water supplies will be retesting for some constituent at least once each year.

Q. We keep hearing about more federal rulemaking. How can we be expected to keep track of it?

A. One of the services that IEPA provides is tracking federal rulemaking. The Agency will notify supplies as new requirements become effective. The new program includes providing the requisite number of sample bottles and

Community Water Supply Testing Council Representation

- *Municipal government*
- *Community water supplies*
- *Statewide organizations*
- *Engineering profession*

Why test for contaminants that aren't regulated?

- *Monitoring requirements exist.*
- *When detected, public notification required.*
- *If detected, future regulations can be expected.*

the necessary instructions to your water supply when needed. Bottles for any retesting will also be supplied as necessary.

Q. We buy our water from a town down the road—what are the requirements for monitoring in our community?

A. Connected water supplies will be required to test for lead, copper, corrosivity and to carry out the additional bacteriological testing program. As an example of the volume of analytical work that will be required the first year of testing for lead and copper, the following table lists the number of samples required for distribution systems:

Population Served	*No. of Samples*
More than 100,000	50/quarter
10,001 to 100,000	30/quarter
3,301 to 10,000	20/quarter
500 to 3,300	10/yr/every 2nd yr
Less than 500	10/yr/every 5 yrs

Q. I've never heard of some of the chemicals that must be monitored. How can I get information about where these contaminants are usually found, what industries they may be associated with, what the health effects are, etc. In other words, is it possible to make any reasonable assumptions about the probability of finding some of these contaminants in our drinking water?

A. USEPA provides most of the information requested in its rulemaking documents, including an in-depth analysis of the health effects and a summary of the associated risks. The dates of the **Federal Register**s containing this information for all regulated contaminants are listed in the section entitled "Status of USEPA Rulemaking". USEPA also maintains a Safe Drinking Water Hotline at 1-800/426-4791.

Q. Is our system likely to be classified as vulnerable?

A. USEPA has established vulnerability guidelines for VOCs. The criteria are past sampling history, number of people served and proximity to commercial, industrial, waste disposal or chemical storage areas. An interim definition for VOC vulnerability has been established for Illinois public water supplies. That definition classifies all surface water supplies as vulnerable. All groundwater supplies that serve more than 10,000 customers or have had a detect in any of the eight VOCs or unregulated contaminants are also considered vulnerable. In addition, if the geology in the area of a well is such that contaminants can enter the groundwater, the supply will be considered vulnerable.

Vulnerability determinations for other contaminants will be established as other federal regulations become effective.

Q. What is an unregulated contaminant and why do we have to test for substances that aren't going to be regulated?

A. Unregulated contaminants are those contaminants for which the USEPA has established monitoring requirements, but has not yet established maximum contaminant levels. USEPA does require public notification that testing for unregulated contaminants has been completed. These contaminants may be regulated in the future.

Q. How about these new regulations for coliform? When are they effective? Will you cover the monitoring requirements in the new IEPA fixed fee program?

A. The federal rules are already final. They will become effective on December 31, 1990. The existing program for analyses of up to six routine bacteriological samples from each water supply will be continued; however, if contamination is found in any of the six samples, the additional monitoring requirements for fecal coliform or E. *coli* are included in the new annual fee program.

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